

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NETWORK ENGINES INC.
SECURITIES LITIGATION

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)
) Civil Action No. 03-12529-JLT
)

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Local Rule 16.1(d), the parties, through their counsel, jointly submit the following statement:

1. **Proposed Discovery Plan**¹

Two Months	Informal discovery
Two Months	Deadline for completion of Initial Disclosures as required by Fed. R. Civ. P. 26(a)(1) and LR 26.2(A); deadline for filing answer; deadline for serving initial requests for production of documents
Three Months	Deadline for filing and service of Motion for Class Certification.
Five Months	Deadline for completion of class-related discovery and filing and service of Opposition to Motion for Class Certification.
Seven Months	Deadline for filing of Reply to Opposition to Motion for Class Certification. (This deadline shall be 45 days after service of Opposition for Motion for Class Certification.)
Twelve Months	Deadline for completion of fact-related discovery, including completion of depositions of fact witnesses (This deadline will not apply to reasonable requests for admissions with respect to the authentication or business record status of documents produced in discovery.)
Fourteen Months	Deadline for identification of expert witnesses and production of expert disclosures required by Fed. R.

¹ All dates are measured from entry of this order.

Civ. P. 26(a)(2).

Fifteen Months	Deadline for production of rebuttal expert disclosures.
Sixteen Months	Deadline for completion of expert depositions.
To be determined by the Court	Case management conference. Settlement Conference.

2. Proposed Schedule for Filing of Motions

Eighteen Months	Deadline for filing and service of dispositive motions.
Nineteen Months	Deadline for filing and service of oppositions to dispositive motions.
Twenty Months	Deadline for filing and service of reply briefs on dispositive motions.
To be determined by the Court	Hearing on dispositive motions. Deadline for filing and serving other motions (Daubert, <i>in limine</i> , etc.) Deadline for pretrial disclosures required by Fed. R. Civ. P. 26(a)(3). Trial

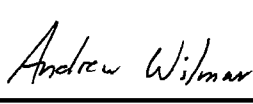
3. Possible Trial by Magistrate Judge

The parties have discussed the possibility of trial before a United States Magistrate Judge, but do not consent thereto at the present time.

4. Required Certifications

The required certifications from counsel and the parties that they have conferred with respect to budgetary concerns and possible resolution through ADR programs are attached hereto.

For the Plaintiffs:

 (Signed for Mr. Wilmar
by John Litwinski at
Mr. Wilmar's request)

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Dated: April 1, 2005

CERTIFICATE OF SERVICE

On April 1, 2005, I caused a copy of this
Joint Statement to be served by first class
mail upon counsel for plaintiffs.



John Litwinski